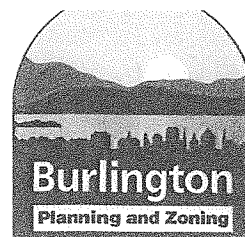


Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/PZ/DRB
Phone: (802) 865-7188
Fax: (802) 865-7195

Austin Hart
Michael Long
Jonathan Stevens
Brad Rabinowitz
Bob Schwartz
Jim Drummond
Missa Aloisi
Alexandra Zipparo (Alt.)
Israel Smith (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday May 06, 2014, 5:00 p.m. SUPPLEMENTAL COMMUNICATION

1. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Plan from applicant, received May 19, 2014.
2. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Memo from S. Gustin dated May 20, 2014.
3. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Letter from K. Chutter-Cressy, received May 14, 2014.
4. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Deed received May 15, 2014.
5. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Petition of support received May 20, 2014.
6. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Petition of opposition, received May 19, 2014.
7. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Letter from B. Collins, received May 19, 2014.
8. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Additional letter from K. Chutter-Cressy, received May 19, 2014.
9. Communication re: **14-0891CA/CU: 156 FERGUSON AVENUE: Judy & John O'Brien**
Email from W. Flender, received May 14, 2014.
10. Communication re: **14-0038CA: 395 MANHATTAN DRIVE; Chris Khamnei**
Memo from S. Gustin with revised plans, dated May 20, 2014.
11. Other Business re: **12-0053CA/CU: 371 Maple Street; Champlain College**
Memo from S. Gustin, dated May 20, 2014.
12. Other Business re: **12-0053CA/CU: 371 Maple Street; Champlain College**
Email from J. Caulo, received May 14, 2014.

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Department of Planning & Zoning at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).
Printed on 100% Recycled Paper

MAY 19 2014



C. 12. 11.

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin *AG*
DATE: May 20, 2014
RE: 14-0891CA/CU; 156 Ferguson Avenue Revised Plans

A revised site plan was submitted May 19, 2014. This revised site plan reflects dimensions of the property noted in the deed (50' X 155' *more or less*). The deed also makes reference to the alley behind this, and neighboring, properties. The original subdivision plat of this neighborhood indicates a lot size of 50' X 150'. This size is also depicted in the 1948 Sanborn maps. Without a current survey to indicate otherwise, the lot is assumed to be 50' X 150', some 250 sf less than what is reflected in the revised site plan. This smaller lot size also represents a more conservative assessment of lot coverage.

The 50' X 150' dimensions result in a 7,500 sf lot. The net new lot coverage is 2,692 sf (35.9%). Of that 2,692 sf, 251 sf is a deck (3.3%). The lot coverage limit in the RL zone is 35% with an extra 10% allowed for open structures including decks. As a result, the proposed lot coverage is acceptable at 2,441 sf (32.5%) with an extra 3.3% for the deck.

Note that the revised site plan includes a single-width driveway from Ferguson Avenue instead of a double width driveway. The two required employee parking spaces will be stacked as permitted by Sec. 8.1.14. The applicant must file a written guarantee with the City ensuring that an attendant (employee) will always be present when these two stacked spaces are in use. As these two spaces are for employee parking and will only be in use when employees are present, compliance with this requirement should not be problematic. Pick-up and drop-off will remain access from Wells Street.

The site plan needs to be revised to depict a 150' depth dimension and also needs to depict the rear alley separate from the property.

Conditions of Approval

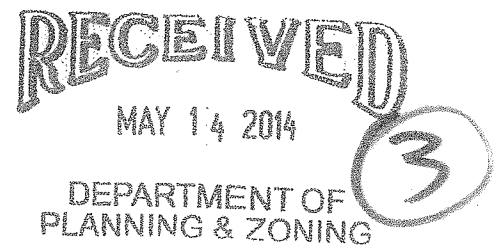
1. This approval is for a small daycare as defined in Article 13 of the Comprehensive Development Ordinance and may include up to 20 children.
2. Days and hours of operation are limited to Monday – Friday, 7:00 AM – 5:30 PM, closed on State and Federal Holidays.
3. **Prior to release of the zoning permit**, revised plans shall be submitted subject to staff review and approval. Revised plans shall depict:
 - a. 150' property depth and separate rear alley; and,
 - b. Height and type of proposed play area fence.
4. **Prior to release of the zoning permit**, a written guarantee must be filed with the City ensuring that an attendant (employee) will always be present when the two stacked spaces in the Ferguson Avenue driveway are in use.

5. **Prior to release of the zoning permit**, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
6. **Prior to issuance of a certificate of occupancy**, the applicant must obtain written certification from the Stormwater Administrator that, among other things, the project EPSC plan as approved has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
7. **Prior to issuance of a certificate of occupancy**, the applicant shall provide written proof of licensing by the State of Vermont for a small daycare center.
8. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency and egress codes as required.
9. A State of Vermont wastewater permit may be required.
10. Standard permit conditions 1-15.

167 Ferguson Avenue
Burlington, VT 05401

May 13, 2014

Burlington Development Review Board
149 Church Street, City Hall
Burlington, VT 05401



Dear Board Members:

I am writing as a resident of Ferguson Avenue regarding the plans to convert a home to a small day care center at 156 Ferguson. I understand there is a need for childcare and what a convenience it would be for families to have it in their own neighborhood. However, a small day care that could care for up to 20 children is very different from a home day care. This proposal would introduce a commercial enterprise into a residential neighborhood of mostly single-family dwellings. In my opinion this is not a good mix, especially in terms of safety.

From looking at the proposed plans for the day care, I cannot see any indication of where parents would drop off and pick up their children. There tend to be cars parked on the street, which makes visibility for drivers a challenge. The street is commonly used as a cut through for drivers trying to avoid traffic on Shelburne Road. I feel this business would add to traffic problems and make it less safe for all the children who live here. They like to ride their bikes and scooters and parents want to feel it is safe for them to play outside.

When I received the letter in the mail from the DRB, I understood "small day care" to be an in-home day care and was very surprised to learn of the plans to have up to 20 children. The letter failed to describe the extent to which this home would be converted. It would have been meaningful to have a definition included of a "small day care" in the document. I also wasn't aware the house was on Ferguson Avenue. It appears to use a driveway on Wells Street. I really feel that by not talking to neighbors about their proposal and getting our support it shows a lack of respect and I cannot support this project.

Sincerely,

Kristen Chutter-Cressy

Know all Men by these Presents

That

I,

PAULINE M. GABORIAULT,

131 ✓

RECEIVED
MAY 15 2014

DEPARTMENT OF
PLANNING & ZONING

4

of Winooski, in the County of Chittenden
and State of Vermont, Grantor in the consideration of
-----TEN AND MORE-----Dollars

paid to my full satisfaction by
JOHN E. O'BRIEN and ELIZABETH A. O'BRIEN

of Burlington, in the County of Chittenden
and State of Vermont, Grantee^s, have REMISED, RELEASED,
AND FOREVER QUIT-CLAIMED unto the said

JOHN E. O'BRIEN and ELIZABETH A. O'BRIEN,
husband and wife, as tenants by the entirety,
all right and title which I, PAULINE M. GABORIAULT,

or my heirs, successors, or assigns, have in, and to a
certain piece of land in City of Burlington, in the
County of Chittenden and State of Vermont, described as
follows, viz:

A vacant parcel of land situated at the northwest corner of
the intersection of Ferguson Avenue and Wells Street; having a
frontage on Ferguson Avenue of 50 feet and a uniform depth of 155
feet, more or less; being all of Lot No. 8 as shown on a plan of
land recorded in Volume 28, Pages 286-287 of the Land Records of
the City of Burlington.

Being the same lands and premises conveyed to the herein
grantor by John E. O'Brien and James P. Whitehouse by their Warranty
Deed of even date and to be recorded herewith.

To the aforesaid deed and its prospective record, and to the
deeds and records therein referred, reference is hereby made in
further aid hereof.

There is included with this conveyance such right of way in
common with others as Emily L. Shaw (a predecessor title holder)
possesses and as appurtenant to the land hereby conveyed, in and
to the alley way 12 feet in width lying adjacent to and next north
of the land hereby conveyed and running easterly from said Wells
Street.

TO HAVE AND TO HOLD all right and title in and to said quit-
claimed premises, with the appurtenances thereof, to the said

JOHN E. O'BRIEN and ELIZABETH A. O'BRIEN,
husband and wife, as tenants by the entirety,
and their heirs, successors, or assigns forever.

AND FURTHERMORE I, the said

PAULINE M. GABORIAULT,

do for myself and my
heirs, executors, administrators, successors or assigns, covenant with the said

JOHN E. O'BRIEN and ELIZABETH A. O'BRIEN

Know all Men by these Presents

That

We, JOHN E. O'BRIEN and JAMES P. WHITEHOUSE,

of Burlington, in the County of Chittenden
and State of Vermont, Grantors, in the consideration of
paid to our full satisfaction by -----TEN AND MORE-----Dollars

PAULINE M. GABORIAULT

of Winooski, in the County of Chittenden
and State of Vermont, Grantee, by these presents, do
freely Give, Grant, Sell, Convey And Confirm unto the said Grantee,

PAULINE M. GABORIAULT, a single person,

and her heirs and assigns forever, a
certain piece of land in City of Burlington, in the
County of Chittenden and State of Vermont, described as
follows, viz:

A vacant parcel of land situated at the northwest corner of the intersection of Ferguson Avenue and Wells Street; having a frontage on Ferguson Avenue of 50 feet and a uniform depth of 155 feet, more or less; being all of Lot No. 8 as shown on a plan of land recorded in Volume 28, Pages 286-287 of the Land Records of the City of Burlington.

Being a portion of the lands and premises conveyed to the herein grantors by the Executor's Deed of Leo Duncan, Executor of the Estate of Teresa A. Duncan, on the second day of June, 1977, said deed recorded in Volume 239, Page 750 of the Land Records of the City of Burlington.

There is included with this conveyance such right of way in common with others as Emily L. Shaw (a predecessor title holder) possesses and as appurtenant to the land hereby conveyed, in and to the alley way twelve feet (12') in width lying adjacent to and next north of the land hereby conveyed and running easterly from said Wells Street.

Vermont Property Transfer Tax
32 U.S.C. 2031
---ACKNOWLEDGMENT---
Return Rec'd & Tax paid to State of Vermont
V. Land Use & Development Dept. Act Conf. Rec'd
Return Rec'd
Signed _____
Date 7/11/77

In Testimony Whereof, I hereunto affix the seal of said Court, and subscribe my name, at Burlington in said District, this 13th day of August, A.D. 1934.
Clarence P. Bowles

(Seal)

Judge.

State of Vermont
District of Chittenden, ss.

In Probate Court

I, Mabel E. Wakefield, Register of Probate for the District of Chittenden, hereby certify the foregoing to be a true copy of the original license of sale granted by this Court, as now appears of record in this office.

In Testimony Whereof, I hereunto affix the seal of said Court and subscribe my name at Burlington in said District this 13th day of August, A.D. 1934.

SEAL

Mabel E. Wakefield
Register.

Received for record March 11, 1935 at 1:45 P.M. and duly recorded.

Attest:

Edmund P. Botley

City Clerk.

Estate of Emily L. Shaw

To

Wm. T. and Teresa A. Duncan

Administrators Deed.

R

To all to Whom these Presents shall Come, I, Theo E. Hopkins, Administrator of the Goods, Chattels and Estate of Emily L. Shaw, late of Burlington in the County of Chittenden and State of Vermont, deceased, send Greeting:

Whereas, the Honorable the Probate Court for the District of Chittenden at a session thereof, holden at the Probate Office in Burlington in said District, on the 13th day of August, A.D. 1934, on an application in writing, for that purpose, which said application having been duly published according to law, did license and authorize me to sell at public auction or private sale all of the real estate of said deceased, situated in said Burlington, for the purpose of paying the debts of said deceased,

And Whereas, having previously taken the oath required by law, and fulfilled all the requisitions of the Statute, and of the license aforesaid I have sold all of the same real estate to William T. Duncan and Teresa A. Duncan, husband and wife, of Burlington, in the County of Chittenden and State of Vermont for the sum of Two thousand Dollars.

Now, Know Ye, That pursuant to the license and authority aforesaid, and not otherwise, and in consideration of the said sum of two thousand Dollars, the receipt whereof, I do hereby acknowledge, do by these presents, Grant, Bargain, Sell, Convey, and Confirm unto the said William T. Duncan and Teresa A. Duncan, husband and wife, their heirs and assigns, the following described Land with buildings thereon in Burlington in the County of Chittenden and State of Vermont, described as follows, viz:

All and the same lot of land on the northeasterly corner of Ferguson Avenue and Mills Street in said Burlington, and having now thereon a dwelling numbered 156 Ferguson Avenue, which was conveyed to said Emily L. Shaw by A. L. Barrows by his warranty deed dated March 27, 1917, and recorded in Vol. 69 on page 356 of the Land Records of said Burlington. Said premises comprise lots No. 8 and 9

Block 1 as laid down on a plan of land recorded in Vol. 28 on pages 286 and 287 of the
 and Records of said Burlington and known as Ferguson and Scarff Addition to Bur-
 ington. The land hereby conveyed has a frontage of one hundred feet (100') on said
 Ferguson Avenue, a uniform width of one hundred feet (100') and a depth on Wells Street
 one hundred and fifty-five feet (155'). There is included with this conveyance
 the right of way in common with others as said Emily L. Shaw possessed and
 appurtenant to the land hereby conveyed, in and to the alley way twelve feet (12') in
 width lying adjacent to and next north of the land hereby conveyed and running east-
 ly from said Wells Street.

Reference is made to said deed and plan and the records thereof in aid of this
 description.

Possession of the premises hereby conveyed is reserved until May 1, 1935.

The foregoing land and right of way constitute all of the real estate whereof the
 said Emily L. Shaw died seized and possessed in said Burlington.

To have and to hold the said premises, with all the privileges and appurtenances
 hereof, to the said William T. Duncan and Theresa A. Duncan, husband and wife,
 their heirs and assigns forever, to them and their own use.

And I, the said Theo. E. Hopkins, Administrator, do covenant with the
 said William T. Duncan and Theresa A. Duncan, their heirs and assigns, that
 the said Emily L. Shaw died seized of the granted premises;

that I have in all things observed the rules and directions of the law in said
 state; and that I am duly authorized to convey the same in manner and form
 aforesaid.

In Witness Whereof, I hereunto set my hand and seal this 11th day of
 March, A.D. 1935.

In Presence of
 Lucille Starnes
 A. C. Brooks

Theo. E. Hopkins
 Administrator of the Estate of
 Emily L. Shaw

L. L.

State of Vermont } ss.
 Chittenden County }

At Burlington this 11th day of March, A.D. 1935,
 Theo. E. Hopkins, Administrator of the estate of Emily L. Shaw, personally
 appeared, and he acknowledged this instrument, by him sealed and
 subscribed, to be his free act and deed.

Before me, A. C. Brooks

Notary Public.

I hereby certify that U. S. Revenue Stamps to the amount of \$2.00
 were affixed to the foregoing instrument and were duly cancelled.

Received for record March 11, 1935 at 1:55 P.M. and duly recorded.

Attest:

Edward B. Bosley

City Clerk.

Estate of
 Mary English

Decree of Distribution

R

State of Vermont
 Probate Court
 District of Chittenden

Estate of

State of Vermont

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MAY 19 2014

May 16, 2014

To the Development Review Board, Department of Planning and Zoning of Burlington

DEPARTMENT OF
PLANNING & ZONING

We the undersigned homeowners of this residential neighborhood oppose 14-0891CA/CU: 156 Ferguson Avenue (RL, ward 5) the conversion of a single family residence to a 20 child, 5 full time employee day care center.

6

We would support a registered in-home day center of up to 6 children, 1 employee. However the size of this proposal is too large and would create both traffic/parking, and noise problems for us.

Both Ferguson Avenue and Wells Street have become 'cut through' streets during the morning and afternoon commuting hours, and the addition of 25 vehicles arriving, parking and leaving twice per day would create an unacceptable level of increased traffic. There is already an overflow of vehicles from the two apartment houses on the corners of Ferguson and Wells who must park on the streets because of inadequate off-street parking.

Many of us are, in fact, at home during the day. Some are at home parents, some retired, some working from home. The peaceful enjoyment of our homes would be impacted by the noise level from an outdoor playground for 20 children during the spring, summer, and fall months when our windows are open or we are outside in our yards.

The neighborhood is overburdened with ⁹~~six~~ operating day care centers. A list of them is included with this Petition. In 2011 an application by Andrea Viets at 103 Ferguson Avenue to increase the number of children from 6 to 12 was denied because of too many adverse impacts on the neighborhood. This proposal is for a center nearly twice the size! (only 2 blocks away)

While the Ordinance does allow for this conditioned change of use, we ask that the Board recognize the adverse impacts the size of the proposed operation would have on our neighborhood. Please deny this application or limit the numbers to 6 children and 1 full time employee.

Thank you for your careful consideration of this matter.

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DEPARTMENT OF
PLANNING & ZONING

An updated list of the six operating day care centers as of January 2014

Maybeline Cobeo

121 Ferguson Ave. 8 children

Donna Leicht
application

414 Flynn Ave. (located directly behind the 156 Ferguson Ave.) 10 children

Tracy Nicolay

905 Pine St.

Ann Tuttle

94 Richardson St.

Ellen Drolette

1085 Pine St.

Pine Forest School

208 Flynn Ave. 75 children

City Kids

645 Pine St.

~~Heartworks Playcare Center 102 Lake St. 75 children~~

Sarah Delage 51 Avenue B

at least 9

Homeowner	Signature	Address
Mark Foster	Mark Foster	419 Flynn Ave
Sheryl Bellman	Sheryl Bellman	140 Lyman Avenue
Matt Young	Matt Young	140 LYMAN AVE
Abby Dery	Abby Dery	160 Ferguson
Joseph Dery	Joseph Dery	160 Ferguson
William Fleuder	William Fleuder	169 Ferguson Ave
Poor Clark	Poor Clark	145 Ferguson Ave

Homeowner	Signature	Address
Barbara Collins	Barbara Collins	160 Ferguson Ave.
STEN CHUTTER-CRESSY	Sten Chutter-Cressy	167 FERGUSON AVE.
David Barron	David Barron	176 Ferguson Ave
Carrie Barron	Carrie Barron	176 Ferguson Ave
Inda Hartwell	Inda Hartwell	170 Ferguson Ave.

Barbara Collins

166 Ferguson Avenue Burlington VT

802-658-9150



May 16, 2014

Development Review Board
City of Burlington
149 Church Street
Burlington, VT 05401

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MAY 19 2014

DEPARTMENT OF
PLANNING & ZONING

Re: 156 Ferguson Avenue

Dear Development Review Board Members,

My home is located 50 feet to the east of the proposed project. When I received the Public Hearing Notice my assumption was that "small day care center" referred to up to six children, and I was initially in support of the project. After obtaining the application and site plan I discovered that in fact a 20 child, 5 full time employee was proposed. This size operation would burden the immediate neighbors with parking, traffic and noise problems.

The location of the house on the lot at 156 Ferguson is all the way at the north end of the lot, placing it in the backyards of its neighbors. Indeed, it appears that part of the house was built in the utility alley that runs behind our lots. As of this date it is unclear whether the homeowner does or does not own this utility alley.

Also, it appears that there is confusion about lot size and lot coverage. The site plan lists lot size as 58 feet wide by 192 feet long, yet the survey maps show the lot to be 50 by 155. Would the Board send an objective person skilled at determining lot coverage to this property?

Until these issues are resolved it is not possible to address the employee parking needs, safe and adequate drop off and pick up, and traffic problems specifically. And I request that the Board extend the Public Comment period so that we may comment after the facts are known.

That said, there are already traffic problems on both Ferguson and Wells. In the morning, drivers coming into town who see the traffic light at Shelburne Rd. is red 'shoot' left down Ferguson.....sometimes 3-4 of them in a cluster. In the afternoon, between 5-5:30 the traffic is backed up, standing still, from the interstate entrance to Flynn Avenue, so drivers 'shoot' south on Wells St. to avoid Shelburne and Pine Street.

Parking is also already a problem on both Ferguson and Wells, due to the overflow of vehicles who must park on these streets because the 2 apartment houses, (one on each corner of Ferguson) do not have adequate off-street parking. Adding to the danger, because there are no sidewalks on Wells pedestrians are forced to walk in the street, and with vehicles parked on both sides that passage is very narrow...and has to be shared with passing vehicles! This is a very unsafe situation for children.

As proposed, the business would bring up to 50 vehicles to this property daily, during the commuting hours. In addition there would be increased service vehicles such as more frequent trash removal, cleaning services, snow plowing etc. Also, whenever the day care held an event to which all parents were invited vehicles would far exceed parking.

To close here, I repeat, I do support a 6 child, 1 employee, day care, but this site cannot safely provide for the scale proposed.

Thank you for your consideration of our homes and families.

Barbara Collins

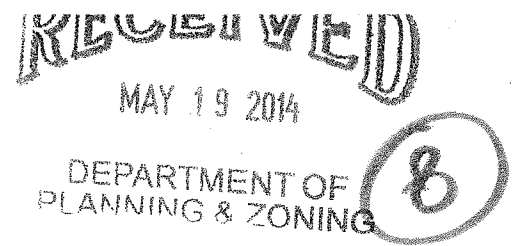
A handwritten signature in cursive script that reads "Barbara Collins".

RECEIVED

MAY 19 2014

DEPARTMENT OF
PLANNING & ZONING

167 Ferguson Avenue
Burlington, VT 05401



May 18, 2014

Burlington Development Review Board
149 Church Street, City Hall
Burlington, VT 05401

Dear Board Members:

I have read Scott Gustin's comments regarding the proposed Small Daycare Center (up to 20 children) at 156 Ferguson Avenue. I have also read Mary O'Neil's comments from June 2011 regarding a proposed change from a Family Day Care Home (up to 6 preschool plus four school aged children) to a Small Day Care Center serving 12 children (although use category would permit 20 full time children in total) just down the street at 103 Ferguson Avenue. This proposal was denied.

Despite his explanations, I still have concerns about the safety of children on our street with the inevitable increase in traffic, which prompted my first letter. I am not convinced. Also, I take exception with Scott's view that the hours of operation are when "most residents are away at work and will thereby limit the potential for adverse impacts." In a time of increasing stay at home parents, telecommuting and retirees, it is wrong to make this assumption. Many families on our street have at least one family member that fits into these categories and are home during the day.

The main difference apparent to me is that 156 Ferguson is being converted from a single-family residence to a day care and the 103 Ferguson was to remain a residence. I believe a home daycare would be more in keeping with our quiet residential neighborhood. The 156 Ferguson proposal is initially larger (20 instead of 12 children) and despite the 2 proposed entrances, there is not enough safe space for cars and children coming and going. Sarah Downes also had a petition in support of her expansion from her neighbors. These are very similar projects within a tenth of a mile of each other and the impacts to the neighborhood equally great. I have decided to offer the almost opposite findings in a tabular format that I have attached.

Sincerely,


Kristen Chutter-Cressy

Findings – Review Criteria		103 Ferguson Avenue (2011 decision)	156 Ferguson Avenue (2014 proposal)
Article 3	2. The character of the area affected as defined by the purpose or purposes of zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan	Adverse finding	Affirmative finding
	3. Traffic on roads and highways in the vicinity	Adverse finding	Affirmative finding
	4. Any standards or factors set forth in existing City bylaws and city and state ordinances	Adverse finding	Affirmative finding
	5. Utilization of renewable energy sources	Not applicable	Affirmative finding
	6. Cumulative impacts of the proposed use	Adverse finding	Affirmative finding
	8. Vehicular access	Not applicable	Affirmative finding
	10. Mitigation measures	No finding possible – “the applicant has not defined the age range of the children, and how many may be outdoors at any particular time. However, the number of children proposed challenges the adequacy of the lot size to accommodate recreational opportunities for the children	Affirmative finding
	12. Hours of operation	Affirmative finding	Affirmative finding as conditioned – “these are typical daycare hours and are generally limited to those times when most residents are away at work* and will thereby limit the potential for adverse impacts on neighboring properties.”
	14. Performance standards	Adverse finding	Not applicable

Findings – Review Criteria		103 Ferguson Avenue	156 Ferguson Avenue
	15. Conditions and safeguards	Adverse finding – “without adequate parking to accommodate the single family residence, employee and client parking and a dedicated safe drop-off area, it appears improbable to identify reasonable conditions and safeguards for the request.”	Affirmative finding
Article 5		Adverse finding	Affirmative finding as conditioned
Sec. 5.4.1 Small Day Care Center	(c) The site plan review shall insure adequate and safe drop-off and pickup space is provided and that traffic problems are not created		
	(g) The neighborhood is not overburdened with other day care centers	No finding possible – “The applicant has offered information that there are existing 6 daycare homes in the neighborhood... How to ascertain at what level is overburdened is difficult, as the parameter is subjective.”	Affirmative finding – “A review of the zoning permit records for the entire neighborhood between Home Avenue and Flynn Avenue reveals three other permitted daycares”
Article 6			*I have attached a list of registered home daycares from the State’s Bright Futures website.
Sec. 6.2.2 Review	(k) Parking and circulation	Adverse finding – “...the increased traffic with twice daily vehicular stops per child, anticipated curb-side parking, and driveway turn-around will make a very challenging streetscape in the low density residential zone. All are assuredly going to negatively impact the quiet residential character of the neighborhood. The DRB has most recently entertained an extended review over another Conditional Use on Ferguson Avenue (ZP 10-1069CU, 170 Ferguson Avenue), with repeated testimony from neighbors about the difficulty presented with more intense activity, particularly related to parking, traffic, safety, and vehicular collisions due to clients backing out of a single lane driveway.”	

Vermont Department for Children and Families Childcare Information System

<http://www.brightfutures.dcf.state.vt.us>

REGISTERED HOME DAY CARES	NAME & ADDRESS	PROXIMITY	Child Capacity
	Maybeline Cobeo 121 Ferguson Ave	377 feet	8
	Donna Leicht 414 Flynn Ave (located directly behind 156 Ferguson Ave)	.1 mile	10
	Andrea Viets 103 Ferguson Ave	.1 mile	
	Tracy Nicolay 905 Pine St.	.2 mile	
	Ann Tuttle 94 Richardson St.	.2 mile	6
	Ellen Drolette 1085 Pine St.	.6 mile	6
CHILD CARE CENTERS	Pine Forest School 208 Flynn Ave.	.5 mile	75

9

Scott Gustin

From: William E. Flender <willf@burlingtontelecom.net>
Sent: Wednesday, May 14, 2014 8:08 PM
To: Scott Gustin
Subject: Ferguson and Scarf Addition Survey
Attachments: FS Survey 1891.pdf

Scott,

Attached is a scan of the original 1891 survey plat for the Ferguson and Scarf Addition, which shows the standard lot size being 150 x 50 with 12 foot alleys.

Thanks.
Will

HOWARD
PARK.

E

PARK

FERGUSON

LYMAN

MORSE PLACE

COSGRIFF.

FERGUSON
ADDITION TO
Jan. 1891. Area, 92 Acres.

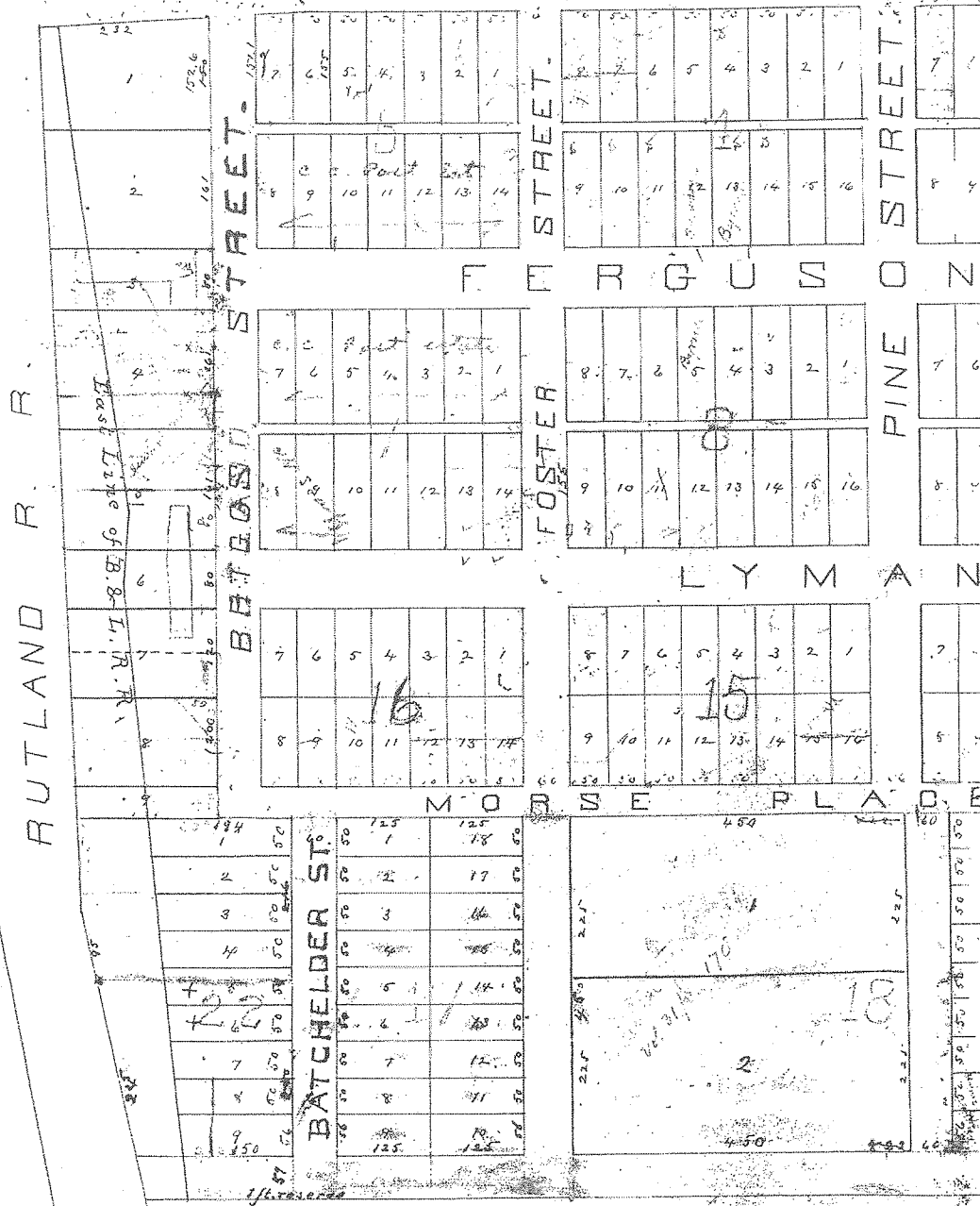
AR

City Clerk's Office.
Burlington, Vt. February 24 1891.
Received for record at 5 o'clock
P. M. and recorded in Vol 23 of
Books of non pages 236 and 237
Attest Charles B. Allen City Clerk.

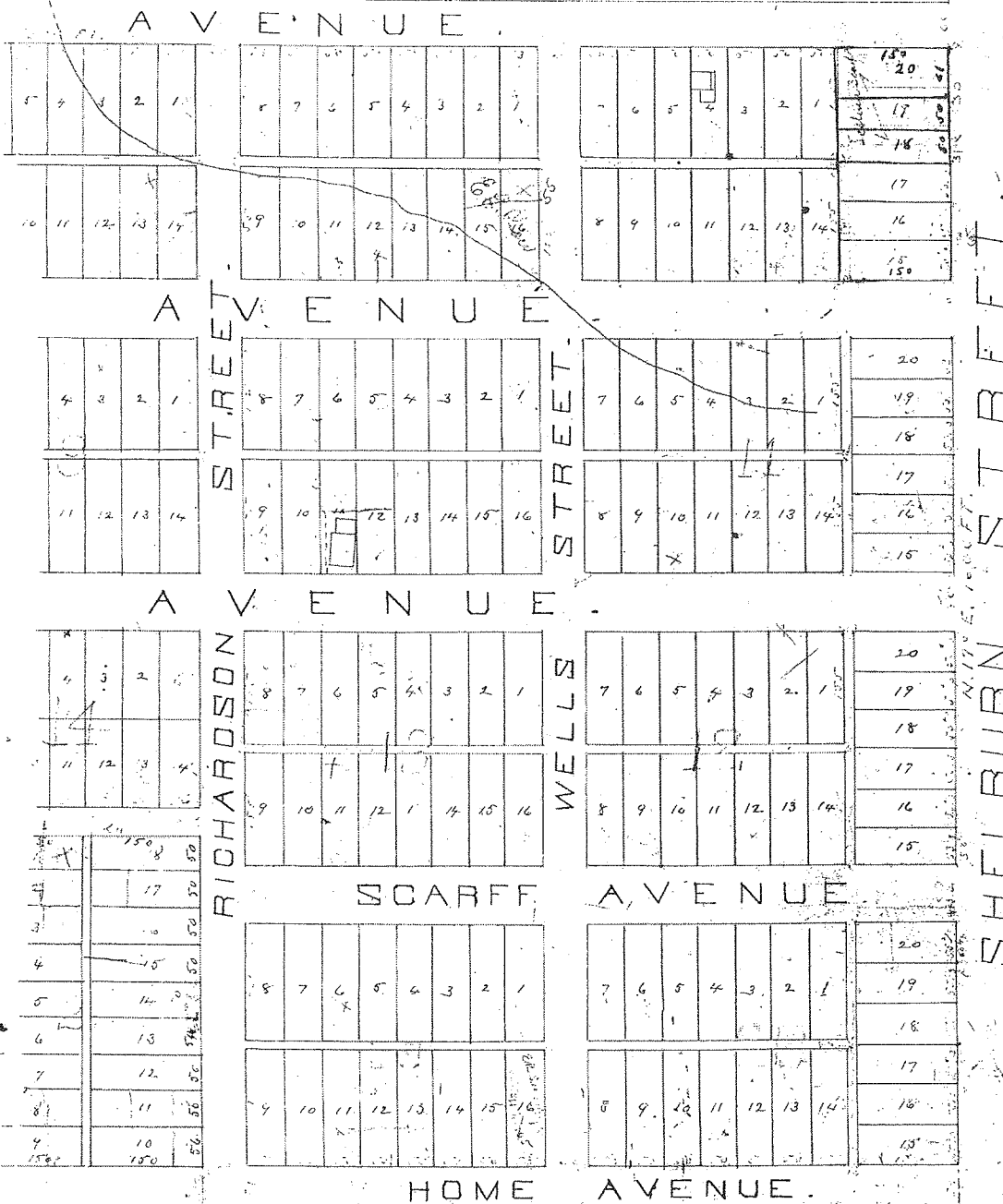
W. S. WEBB.

Magnetic Meridian

Magnetic Meridian



NGLESBY.



PROCTOR.

PROCTOR AV

HADLEY.

HOPKINS.

MEADER.

PIERSON.

HOME FOR DESTITUTE CHILDREN.

AND SCARFF'S
BURLINGTON, VT.

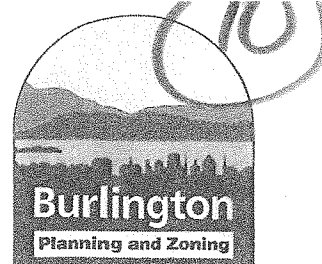
Scale, 150 Feet = 1 Inch.

low, C.E.

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin
DATE: May 20, 2014
RE: 14-0038CA; 395 Manhattan Drive Supplemental Plans

Revised project plans were submitted May 19, 2014. These revised plans address the Design Advisory Board's March 25, 2014 recommendations:

1. A landscaping plan that depicts generally what new plantings are proposed and where. A rain garden is encouraged for receiving and infiltrating roof runoff.
2. Window crown molding included on the front and side elevations.
3. Trim materials, including corner boards, noted on the elevation drawings.
4. Incorporate smaller upper story windows in the gable ends.

Item 1 has been addressed insofar as shrubs are now depicted on the project plans. Species and size at the time of planting need to be noted. Items 2, 3, and 4 are incorporated into the revised project plans.

Conditions of Approval

1. **Prior to release of the zoning permit**, revised plans shall be submitted subject to staff review and approval. Revised plans shall depict:
 - a. Calculation of front yard setback;
 - b. Landscaping species and size at the time of planting;
 - c. Side building elevations and site plan that depict front entry projection; and,
 - d. Utility meter screening.
2. Trash and recycling should be stored inside until curbside pick-up days.
3. This approval incorporates the Stormwater Administrator's May 14, 2012 written approval of the Erosion Prevention and Sediment Control Plan.
4. **Prior to issuance of a certificate of occupancy**, the applicant must obtain written certification from the Stormwater Administrator that, among other things, the project EPSC plan as approved has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
5. **At least 7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development.
6. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency and egress codes as required.
7. A State of Vermont wastewater permit is required.
8. Standard permit conditions 1-15.

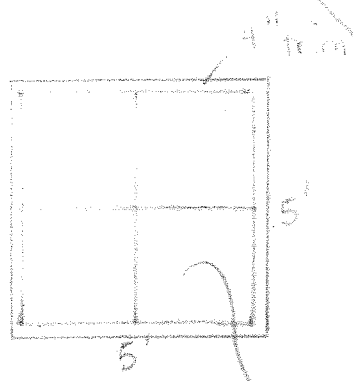
Fig. 1. Larva of the blowfly species *A.* (a) Head, (b) Head with antennae, (c) Head with antennae and mouthparts, (d) Head with antennae and mouthparts, (e) Head with antennae and mouthparts, (f) Head with antennae and mouthparts, (g) Head with antennae and mouthparts, (h) Head with antennae and mouthparts, (i) Head with antennae and mouthparts, (j) Head with antennae and mouthparts, (k) Head with antennae and mouthparts, (l) Head with antennae and mouthparts.

NOTED FROM [illegible]

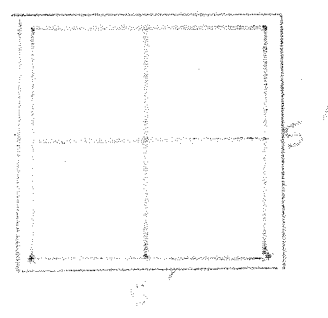
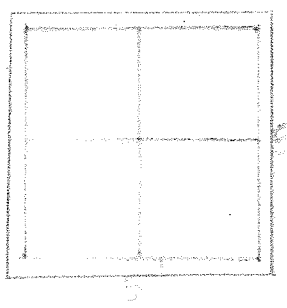
* SAME TRIM DETAILS
AS NORTH-FRONT
ELEVATION

RECEIVED
JUL 08 2013

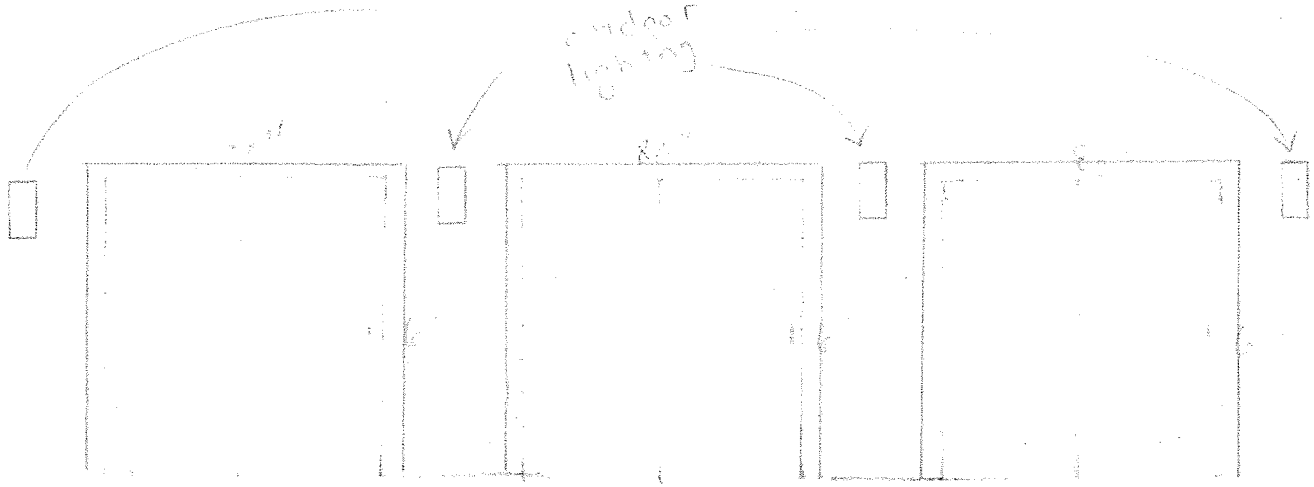
DEPARTMENT OF
PLANNING & ZONING



SAME WINDOWS
AS NORTH ELEVATION
AND INCLUDED
CUT OUT.

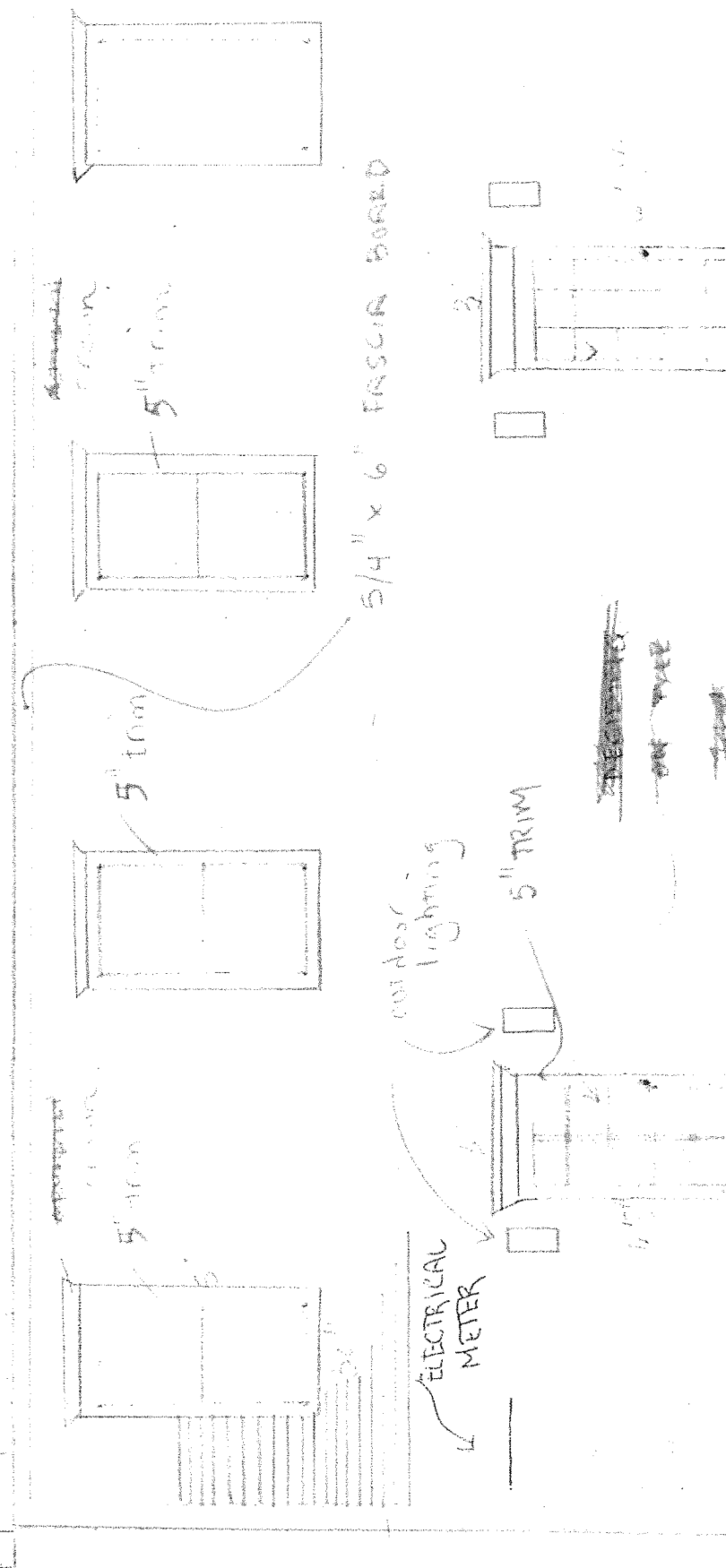


outdoor
lighting



10

JUL 08 2013

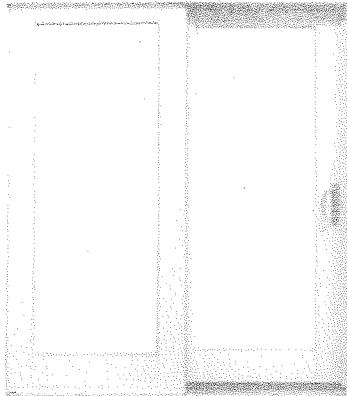
DEPARTMENT OF
PLANNING & ZONING



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More doing.

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MasterPiece 71-1/4 in. x 79-1/2 in. Composite White Right-Hand Sliding Patio Door with Smooth Interior

Model # G6068R00201 Internet # 202339614 Store SKU # 954964

★★★★☆ (66) [Write a Review](#)

\$579.00 / each

1 in Stock at Williston #4501
 Also 47 Way Out
 (change pick up store)

PRODUCT SOLD : Online & In Store
 Item cannot be shipped to the following state(s): AK, GU, HI, PR, VI

PRODUCT OVERVIEW

The MasterPiece Patio 71-1/4 in. x 79-1/2 in. Composite White Right-Hand Sliding Patio Door has LowE tempered glass and weather-stripping for insulation. It is made of durable, waterproof and weather-resistant composite material that won't rot, crack or rust. Stainless-steel rollers and track, a satin-nickel handle and a keyed lock and auxiliary bolt are included. This door offers a traditional look with a lifetime of energy efficiency and performance.

- 100% Composite waterproof material will not rust, dent, rot, split or warp
- Adjustable stainless-steel rollers and track allow for easy opening and closing
- 1-3/4 in. Thickness with a smooth, paintable surface
- Tempered, high-performance LowE insulating glass and included weather-stripping for energy efficiency
- Keyed lock and flush-bolt auxiliary lock for security and ventilation
- Pre-installed satin-nickel handle
- Energy Star qualified for savings
- Lifetime warranty

SPECIFICATIONS

Assembled Depth (in.)	5.75 in	Assembled Height (in.)	79.5 in
Assembled Width (in.)	71.25 in	Brickmould	No
Color/Finish	Smooth white interior and exterior	Commercial	No
Door Configuration	Double Door	Door Handing	Right-Hand/Slide
Door Size	72 in. X 80 in.	Door Thickness (in.)	1.75 in
Door Type	Sliding Patio Door	Door Width (in.)	71.25
ENERGY STAR Certified	Yes	Finish Type	Other
Fire rating	None	Handle Set Included	Yes
Hurricane rated	No	Manufacturer Warranty	Lifetime
Paintable/Stainable	Yes	Product Weight (lb.)	250
Returnable	90-Day	Screen Included	No

SHIPPING OPTIONS

Most orders process within 3 business days

Proposed Site Plan and Parking - 395 Manhattan Drive, Burlington, VT.

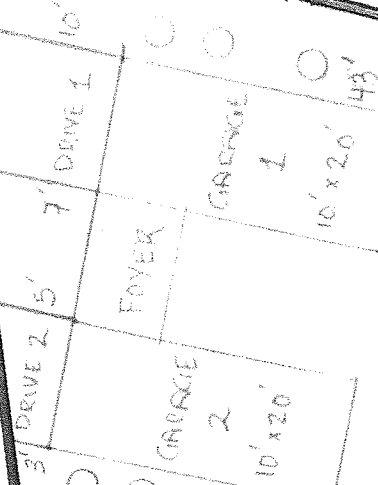
(AND LANDSCAPE)



New Curb Cut for additional parking.

45 ft

Existing Curb Cut



76 ft

93 ft

CHURCH FOR
MINI RETENTION

35 ft

395 Manhattan Drive

Proposed Lot Coverage

<u>Structure</u>	<u>Length (ft)</u>	<u>Width (ft)</u>	<u>Area (sq.ft.)</u>	<u>% Coverage</u>
Main House	40	30	1200	35.98%
Driveway - Parking #1 - Two 2' strips	8.5	9	77	2.29%
Driveway - Parking #2 - Two 2' strips	4	9	36	1.08%
Front Pathway	6	3	18	0.54%
Totals			1277	39.90%

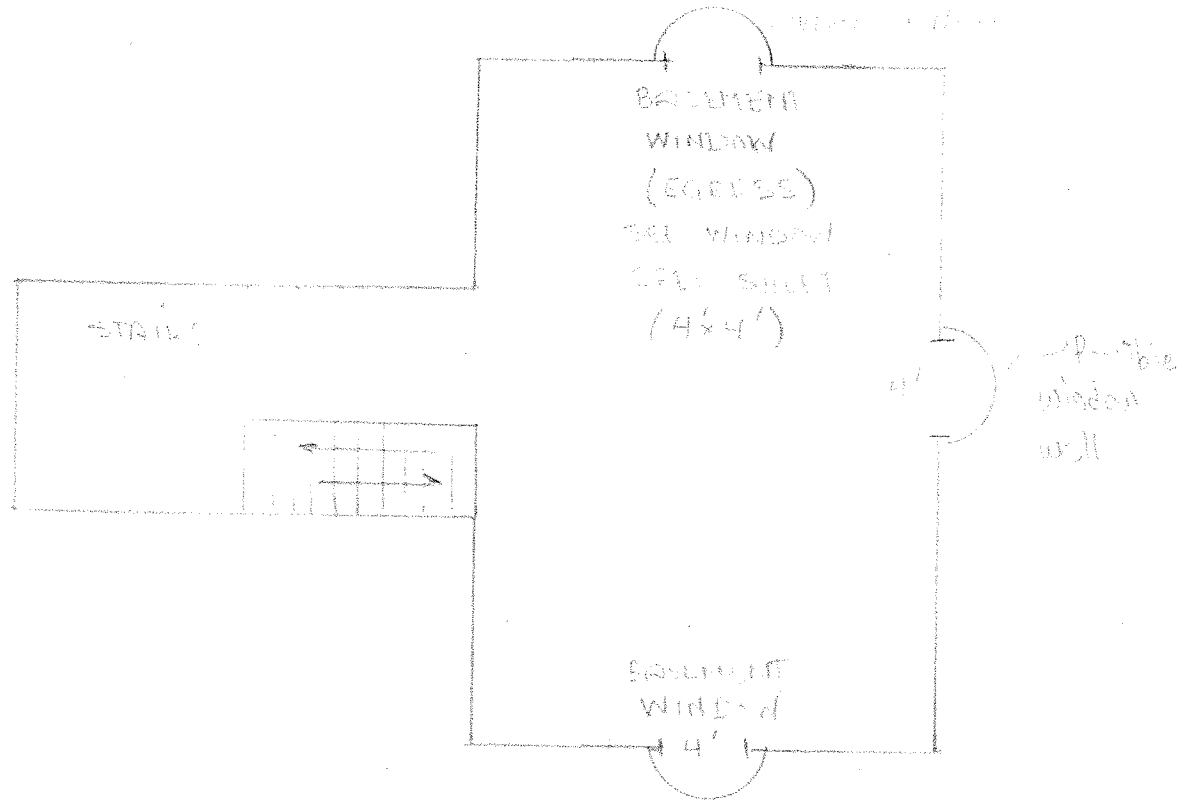
Lot Size: 3335

Maximum lot coverage allowance is 40%

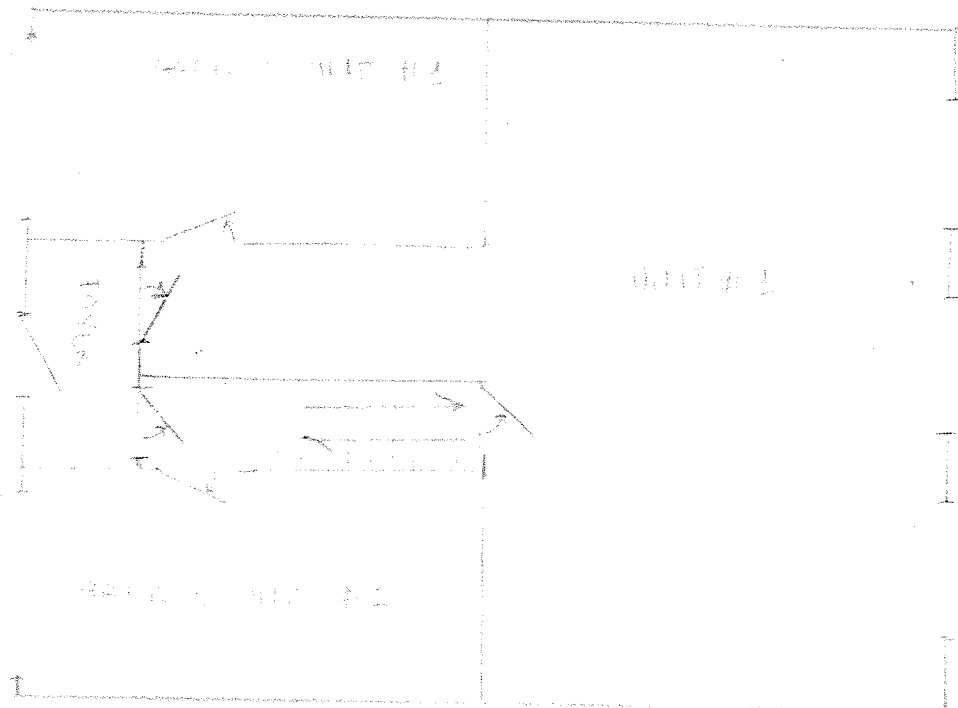
1.00 = 2 FT = 1/4"

SOME INTERIOR STEEL

FINISH BASEMENT LEVEL 4' 0" TO UNIT #1 LIVING SPACE

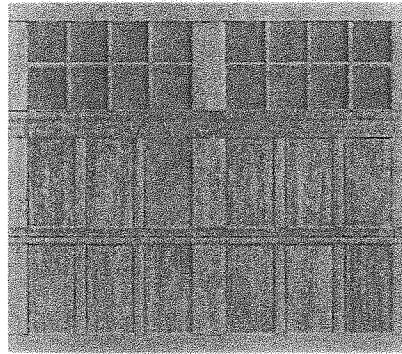


FROM THE MAIN FLOOR AND ENTERS THE BOLT UNIT - UNIT #1





America's Favorite Garage Doors*



Thanks for your interest in purchasing a Clopay garage door through The Home Depot. Below is some basic information on the door you designed, what our program includes, and how our program works. We look forward to serving you in the near future.

Wood - Reserve Collection *(Installed)*

Door Model: RR3R

\$3351.08

WINDCODE: 0

Door Size: 8'0"(w) 7'0"(h)

Door Design: Design3

Door Construction: Wood - Redwood (Stain Grade)

Vinyl Color: No Vinyl

Center Groove: No Center Groove

Color: Natural ready for stain

Top Section: SQ24

Glass Type: Double Strength Clear Glass (Non-Insulated)

\$157.00

Hardware:

Hinge: None (x1 per door)

Handle: None (x1 per door)

Step Plate: None (x1 per door)

Opener: No Garage Door Opener (1)

Current Promotion

15% OFF ANY CLOPAY INTELICORE
INSULATED DOOR THROUGH
3/26/14!

Sub-Total: \$3508.08

tax not included if applicable

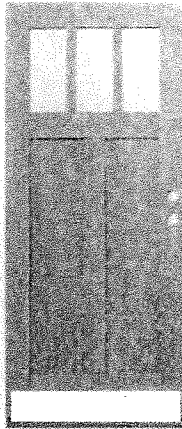




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Pacific Entries Craftsman 3 Lite Stained Birch Wood Entry Door

Model # F23ML Internet # 203928487

[Write the First Review](#)

\$699.00 / each

PRODUCT SOLD : Online Only

Item cannot be shipped to the following state(s): AK,FL,GU,HI,PR,VI

PRODUCT OVERVIEW

Your house will be the talk of the neighborhood when they see your new Pacific Entries Craftsman 3 Lite 36 in. x 80 in. entry door. Factory prefinished and prehung ensures this wood door can bring years of enhancement to your home. All components carefully hand selected and factory kiln dried to exacting tolerances for maximum performance. Adjustable sill threshold and fully weather stripped jambs make installation fast and easy. Doors are pre-bored with 2-3/8 in. backset, ready for optional handle set.

- Hand picked kiln dried hardwood Birch lumber ensures accurate color consistency
- Engineered stiles, rails and panels prevent warping and splitting for long-lasting beauty
- High-performance compression weather-stripping resists rot and corrosion while sealing out the weather elements
- Insulated dual pane glass provides additional energy insulation
- Factory prefinished Birch wood adds style and elegance to your front door
- Oil-based polyurethane factory finish ensure durability and beauty for your door
- Satin nickel ball bearing hinges provide years of easy swing
- Included prefinished solid birch exterior 2 in. brick mold trim finishes the install
- Primed white jambs ready to paint to match exterior house trim
- Requires 4-9/16 in. x 38 in. x 82 in. rough opening for proper fit
- MFG Brand Name: Pacific Entries

SPECIFICATIONS


Assembled Depth (in.)	5 in	Assembled Height (in.)	82 in
Assembled Width (in.)	38 in	Blinds Between the Glass	No
Brickmould	Yes	Color/Finish	Light Brown
Commercial	No	Design Pattern	Craftsman
Door Configuration	Single Door	Door Glass Type	Double Pane
Door Handing	Left-Hand/Inswing	Door Size	68 in. X 80 in.
Door Thickness (in.)	1.75 in	Door Type	Exterior Prehung
Door Width (in.)	70	ENERGY STAR Certified	No
Finish Type	Stained	Finished Opening Height (in.)	82
Finished Opening Width (in.)	70	Fire rating	None
Glass Caming	No	Hinge Finish	Nickel
Hurricane rated	No	Manufacturer Warranty	1 year


Double Pane Square New Construction Egress Slider Window

Item #: 17545 | Model #: WFW54848

★★★★★ Be the first to write a review!

\$819.97

 Get 5%* Off Every Day or Special Financing**
Minimum Purchase Required
[Get Details](#)

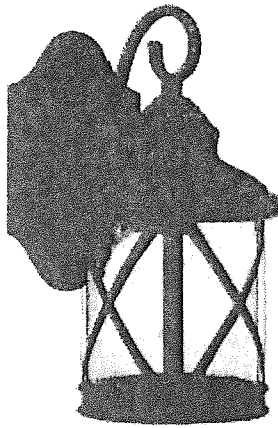
 Enlarged Image

 Share  [Pinterest](#)  Tweet 0  +1 0

Description Specifications Reviews Community Q&A

Window Shape	Square
Window Design	Egress slider
Orientation (exterior view)	N/A
Actual Height (Inches)	48.0
Actual Width (Inches)	48.0
Leg Height (Inches)	0.0
Rough Opening Width (Inches)	48.5
Rough Opening Height (Inches)	48.5
Jamb Depth (Inches)	7.875
Series	N/A
Interior Color/Finish	White
Exterior Color/Finish	White
Hardware Color/Finish	White
Paintable	No
Color/Finish Family	White
Includes Grid	No
Grid Type	N/A
Grid Width	N/A
Grid Profile	N/A
Grid Pattern	N/A
Glazing Type	Double pane

Balance System	N/A
Tilting	No
Warranty	Limited lifetime
Lowe's Exclusive	No
Project Type	New construction
Meets Egress Requirement	Yes
Lock Type	Cam
Nail Fin	N/A
J Channel	N/A
Mulling	N/A
Wood Jamb Extension	None
Number of Locks	2
Ventilation Latches	N/A
Tilt Mechanism	N/A
High Altitude Rated	No
Hurricane Approved	No
Miami Dade Approved	No
Florida Product Approved	No
Texas Department of Insurance Approved	No
Sound Transmission Control (STC) Rated	No



Chloe Lighting Transitional Wall-Mount 1-Light Outdoor Black Outdoor Sconce

Model # CH6041-BLK-CSD1 Internet # 203807866

[Write the First Review](#) +

\$52.50 / each

PRODUCT SOLD: Online Only

Item cannot be shipped to the following state(s): AK, GU, HI, PR, VI



[Product Overview](#) ▾

[Specifications](#) ▾

[Customer Reviews](#) ▾


[Shipping Options](#) ▾

PRODUCT OVERVIEW

For the decorator who loves to lavish the home with brilliance, the Ailania Adora is the perfect solution. Suitable for any style decor, this design features an astounding display of color that refracts light for a dramatic update to your backyard or grilling area outdoors. Compliments most decors.

- 1-Max. 60 watt E26 Type A bulb (not included)
- Indoor setting
- ETL approved
- Aluminum, steel, glass and electrical components

Info & Guides

 [Installation Guide](#)

You will need Adobe® Acrobat® Reader to view PDF documents. Download a free copy from the [Adobe Web site](#).

[Return To Top](#) ^

SPECIFICATIONS

Assembled Depth (in.)	7 in	Assembled Height (in.)	11 in
Assembled Width (in.)	6 in	Bulb Type	Fluorescent
Certifications and Listings	1-UL Listed,ETL Listed	Dusk to Dawn	No
ENERGY STAR Certified	No	Exterior Lighting Accessory Type	Sconces
Fixture Finish	Black	Glass/Lens Type	Frosted



Pella® Impervia® Single Hung Window

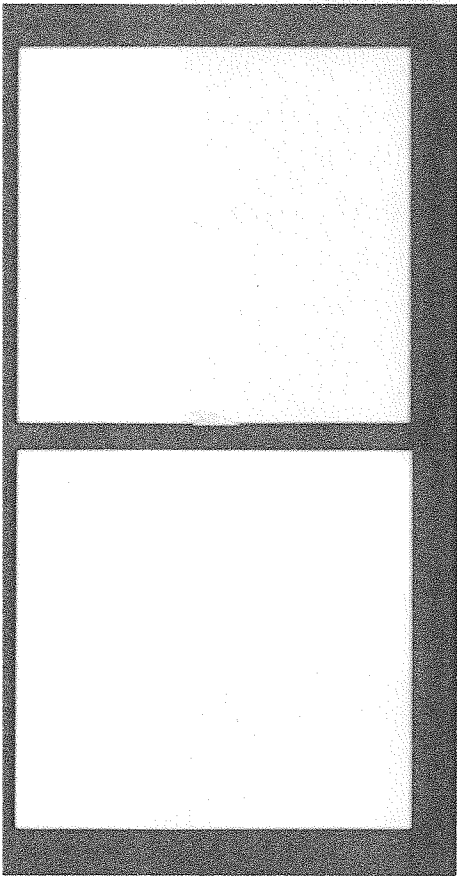


All Pella products offer energy efficient options

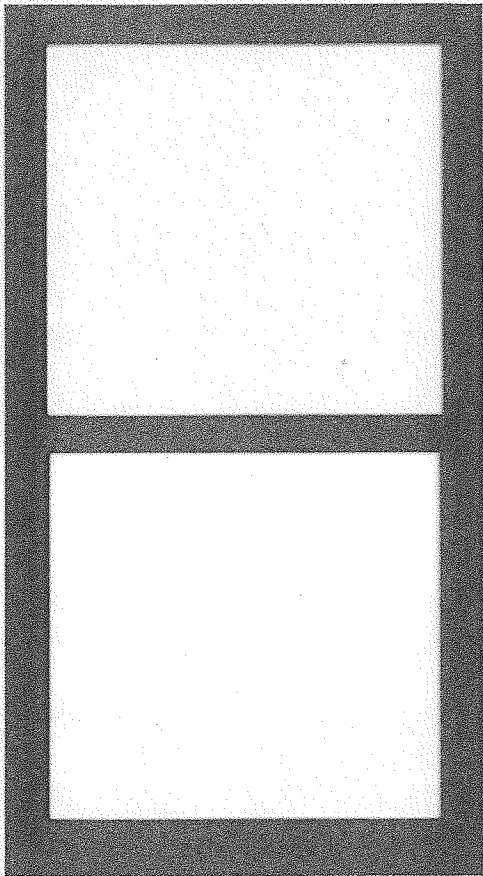
Congratulations! You've chosen a Pella window that will make your home more beautiful, comfortable and energy-efficient for years to come. Use this printed page for your reference and contact your nearest Pella retailer to explore your next steps.

- Energy Efficient
- Easy to Clean
- Low Maintenance Frames
- Durable Fiberglass Composite
- The Look of Painted Wood

Interior view



Exterior view



60 inches tall

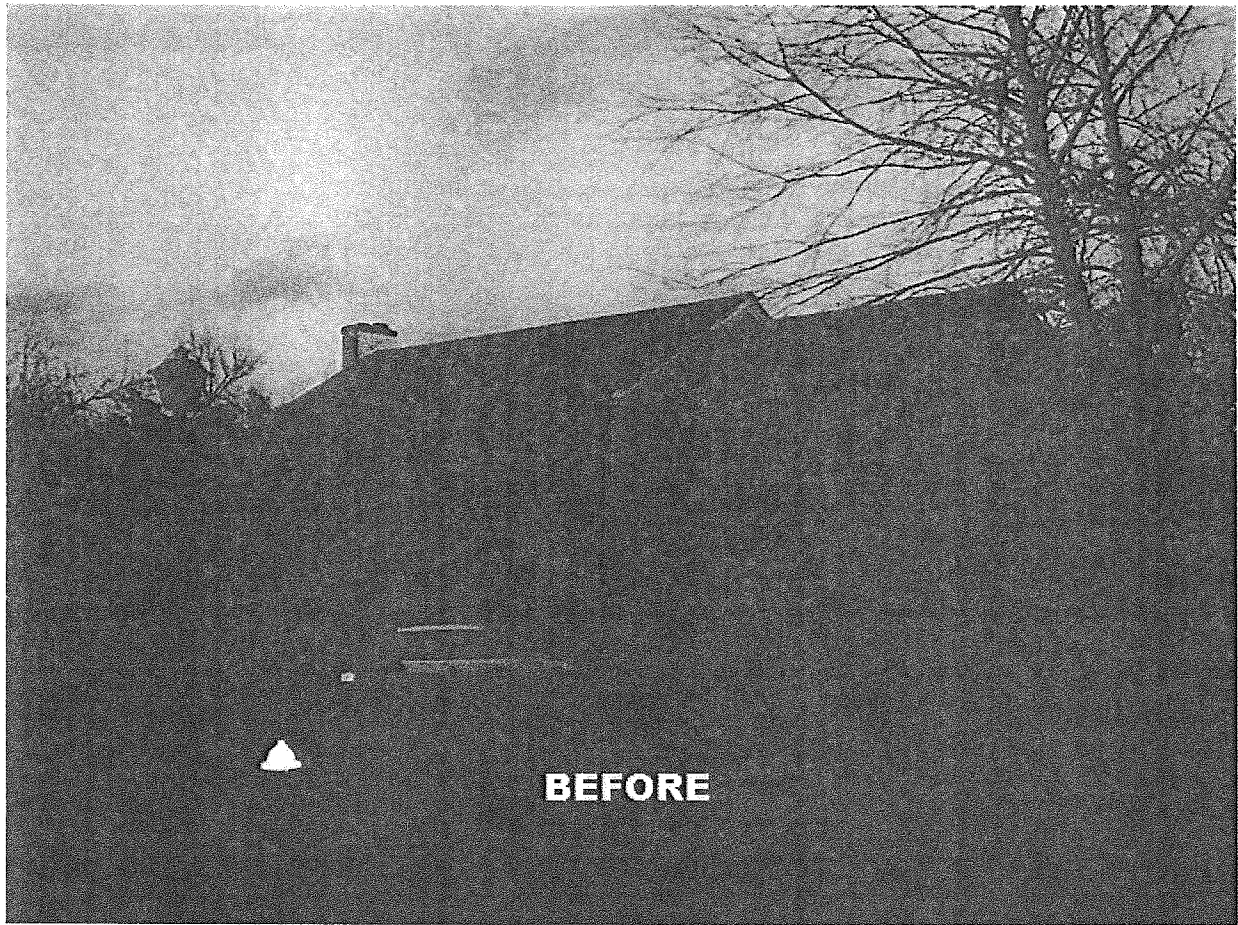
30 inches wide

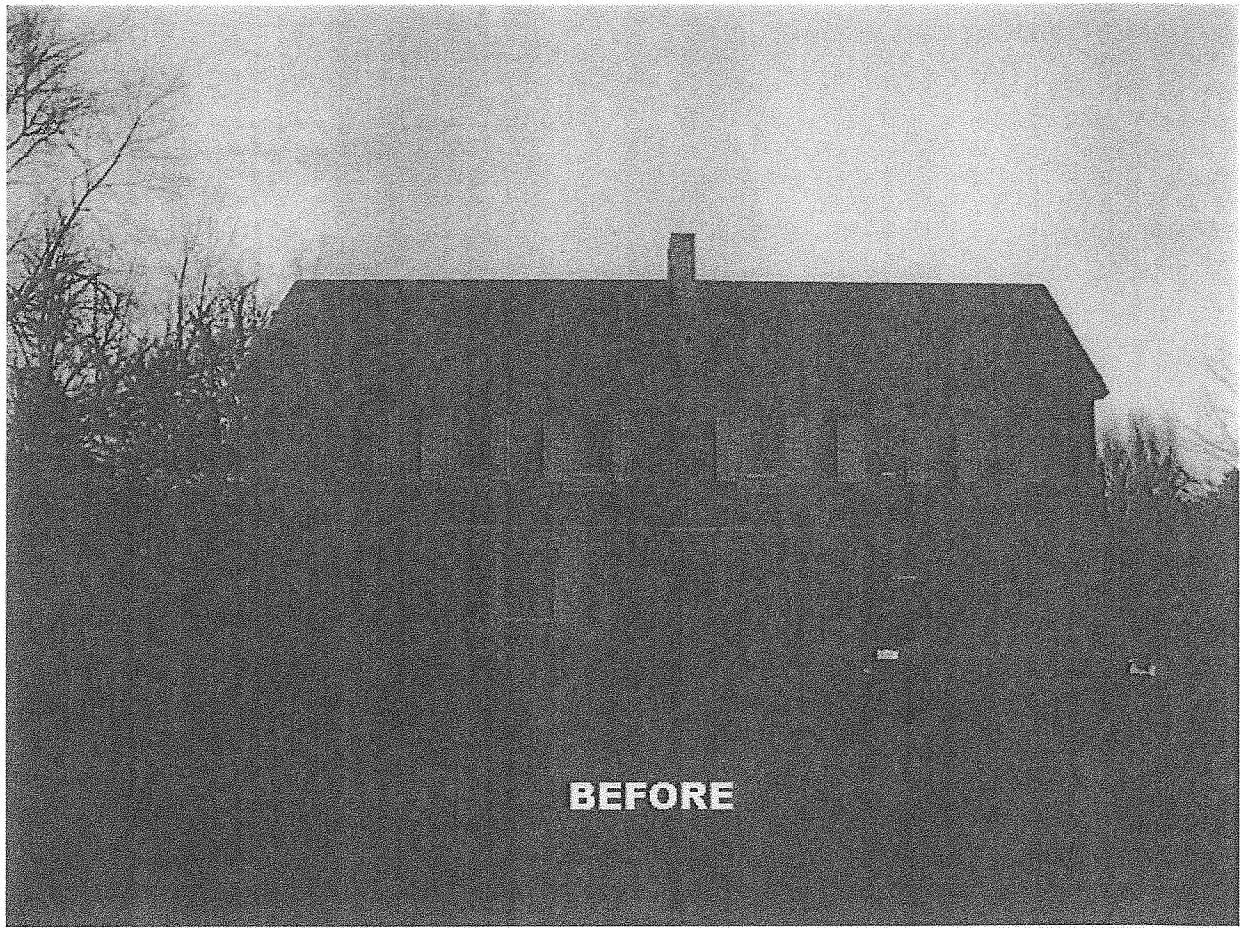
Accessory Options

- Hardware: White
- Interior Frame Color: Brown
- Exterior Frame Color: Brown
- Glass Options: Advanced Low-E Insulating Glass with Argon

Questions? Let us Help. Get in touch with a Pella expert

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Department of Planning and Zoning

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Burlington, VT 05401
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Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin
DATE: May 20, 2014
RE: 371 Maple Street; Zoning Permit 12-0053CA/CU

Zoning permit 12-0053CA/CU for an addition to Champlain College's Hauke Center, approved by the Development Review Board on August 22, 2011 and extended on November 20, 2012, specifies days and hours of construction. Specifically, condition 8 reads:

Construction times shall be limited to Monday to Friday from 7:00 AM – 6:00 PM.
Limited work may extend outside this schedule to extend to Saturday 9:00 AM – 5:00 PM only after obtaining approval from the Development Review Board through correspondence rather than a scheduled hearing.

The applicant is requesting approval for Saturday work from 8:00 AM – 5:00 PM by way of correspondence as required in this condition. A similar request was made for the College's Residential-Tri project and granted.

Scott Gustin

12

From: Caulo, John <jcaulo@champlain.edu>
Sent: Wednesday, May 14, 2014 5:04 PM
To: Scott Gustin
Subject: CCM Project - Staurday Hours Request

Scott:
As a follow up to our conversation, let this correspondence serve as a written request for permission for our construction manager to work **Saturdays, 8AM – 5PM** starting ASAP.

As I indicated on the phone, I am not sure if recent permit amendments we have filed for this Project have included this request, or not. Regardless, we are making this request now.

Let me know if you need additional information. And as always, thanks for your continued assistance. -john

John Caulo *Associate Vice President | Campus Planning & Auxiliary Services*
802.865.5470 (direct)
802.233.6640 (mobile)
jcaulo@champlain.edu

Champlain College | PO Box 670 | Burlington, VT 05402-0670
www.champlain.edu

